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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1691-1710

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 25, 1939]

1691. Misbranding of Dr. Thompson's Dry Disinfectant and Insecticide. U. S. v. A. W. Thompson Co. Plea of nolo contendere. Fine, \$50. (I. & F. No. 1977. Sample No. 5338-C.)

The labeling of this product bore false and misleading representations regarding its disinfectant, antiseptic, and germicidal properties and its effectiveness in the control of moths, lice on poultry and livestock, and other insects.

On April 9, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. W. Thompson Co., a corporation, Prairie du Chien, Wis.; alleging shipment by said company on or about October 19, 1936, from the State of Wisconsin into the State of Minnesota of a quantity of Dr. Thompson's Dry Disinfectant and Insecticide, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the label affixed to the pails containing it, "Dry Disinfectant * * * Antiseptic, Germicide, Disinfectant * * * Directions Use a general disinfectant * * * by sprinkling or spraying the powder in the stalls and bedding, and sleep quarters of live stock," "Insects, moths, etc., may be rid of, by sprinkling the powder on hides, furs, etc.," "As a Louse Powder for Poultry—Mix one part of the insecticide with one part of wood ashes and sprinkle the mixture under the feathers of all lousy poultry. As a louse powder for all other live stock use full strength and sprinkle the powder on the backs and side of the animals, parting the hair or wool and rub in thoroughly with the hand," and "To get rid of all kinds of insects on plants, etc., mix one part of Dr. Thompson's Dry Disinfectant and Insecticide with one part of wood ashes and sprinkle on the plants," were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead purchasers in that they represented that the article when used as directed was a disinfectant, an antiseptic, and a germicide; that it would disinfect stalls, bedding, and sleeping quarters of livestock; that, when used as directed, it would be an effective insecticide against all insects, moths, and all other insects that might be included under the abbreviation "etc."; that it would act as an effective control for lice on poultry and all other livestock, and would act as an effective insecticide against all insects on plants; whereas when used as directed, it would not be effective for such purposes.

On October 26, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1692. Misbranding of Cedarettes. U. S. v. 65 Packages of Cedarettes. Default decree of condemnation and destruction. (I. & F. No. 2132. Sample No. 64008-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as an insecticide against moths, ants, cockroaches, and bedbugs. The article also contained inert substances which were not declared on the label.

On May 25, 1939, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 packages of Cedarettes at Boise, Idaho; alleging that the article had been shipped in interstate commerce on or about September 19, 1938, from Salt Lake City, Utah, by the Cedarette Co.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances (substances other than cedar oil) which do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of such inert substances or ingredients present were not stated plainly and correctly on the package label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients present stated plainly and correctly on the package label. Further misbranding was alleged in that the following statements were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article when used as directed, would prevent moths and would rid houses of ants, cockroaches, and bedbugs; whereas when used as directed, it would not prevent moths and would not rid houses of ants, cockroaches, and bedbugs: "Cedarettes Moth Preventative Directions Place in small cheese cloth bags, Place under cushions and in deep parts of overstuffed sets, trunks, dresser drawers, pockets of clothing, underneath hangers in clothes closets. Sprinkle underneath rugs. Will also rid your house of ants, cockroaches and bed bugs. Directions: For ants and cockroaches, sprinkle where infested. For bed bugs, sprinkle on top of mattress and where infested."

On June 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1693. Adulteration and misbranding of Formacide. U. S. v. 96 Cans of Formacide. Default decree of condemnation and destruction. (I. & F. No. 2128, Sample No. 65640-D.)

This product contained a smaller proportion of paraformaldehyde and a larger proportion of inert ingredients than those represented on the label.

On May 3, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cans of Formacide at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about November 3, 1936, from Beacon, N. Y., by Hammond Paint & Chemical Co.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Analysis (at the time packaged): Paraformaldehyde, 6%; Inert Ingredients, 94%;" since it contained less than 6 percent of paraformaldehyde and more than 94 percent of inert ingredients.

Misbranding was alleged in that the label statements, "Analysis (at the time packaged): Paraformaldehyde, 6%; Inert Ingredients, 94%;" were false and misleading, and by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, since it contained less than 6 percent of paraformaldehyde and more than 94 percent of inert ingredients.

On June 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1694. Misbranding of Defiance Sweeping Compound. U. S. v. Three Drums of Defiance Sweeping Compound. Default decree of condemnation and destruction. (I. & F. No. 2126, Sample No. 65621-D.)

This product was misbranded because it consisted entirely of inert ingredients, which the labeling failed to declare. The labeling also bore a false and misleading representation that the article would "disinfect and purify."

On April 21, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three drums of

Defiance Sweeping Compound at Plant City, Fla.; alleging that the article had been shipped in interstate commerce on or about February 1, 1939, from Atlanta, Ga., by Midway Chemical Co.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted entirely of inert substances or ingredients, i. e., substances which do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each inert substance or ingredient present therein were not stated plainly and correctly on the drum label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients present stated plainly and correctly on the label. Further misbranding was alleged in that the label statement "Disinfects and Purifies" was false and misleading, and by reason of said statement the article was labeled and branded so as to deceive and mislead the purchaser, since it would not disinfect and purify.

On June 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1695. Adulteration and misbranding of D-D Disinfectant. U. S. v. 10 Gallon Bottles of D-D Disinfectant. Default decree of condemnation and destruction. (I. & F. No. 2119. Sample No. 37358-D).

This product contained a smaller proportion of sodium hypochlorite solution, the active ingredient, and a larger proportion of inert ingredients than declared on the label. Its label also bore false and misleading claims regarding its disinfectant, germicidal, and sterilizing properties; and other misrepresentations.

On March 23, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gallon bottles of D-D Disinfectant at Lexington, Nebr.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the United Chemical Co. from Kansas City, Mo.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled: "Active ingredients: Sodium Hypochlorite not less than 5¼%. Equivalent to approximately 5% available chlorine. Total inert ingredients 94-3/4%"; whereas it contained less than 5¼ percent of sodium hypochlorite, less than 5 percent of available chlorine, and more than 94¾ percent of inert ingredients.

It was alleged to be misbranded in that the above-quoted statements were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since it contained less sodium hypochlorite, less available chlorine, and a larger proportion of inert ingredients than declared.

Misbranding was alleged further in that the following statements borne on the bottle label and contained in the booklet shipped with the article, "Dakin's Solution: Prepare from D-D. Use one part of D-D to 8 parts of water. The resulting solution will contain one-half percent available chlorine. * * * (Dishes used by patients suffering from contagious or infectious diseases should be left in the sterilizing rinse at least 5 minutes.) * * * Dishes: To kill bacteria and make safe—fill rinse tank with D-D solution, 3 oz. to 5 gallons warm water, 100° to 120° F.—leave dishes in solution at least two minutes. Remove and allow to drain and dry. * * * Whenever contagious diseases are prevalent—colds, Flu, Pneumonia, etc.—dishes should be left in the sterilizing rinse at least 5 minutes. * * * Depending upon its size, the syrup system may be sterilized in one of two ways: * * * The particular method to be used depends upon the amount of equipment to be sterilized and * * * destroys the bacteria * * * Sterilizing Rack The utilization of a sterilizing rack in cleaning and sterilizing milking machines * * * For Purifying Air Spray the air with D-D to help control the spread of colds and flu. Use D-D to disinfect and help render the air safe in school rooms, churches, theatres, auditoriums and public buildings of all sorts. 4 to 6 oz. D-D to a gallon of water will throw off enough active Chlorine in the process of spraying to greatly reduce the number of disease germs present in the air. For school rooms, it is recommended that D-D solution be sprayed during intermissions so as to make the air more wholesome for the

following class. Leave the rooms closed for a few minutes after spraying whenever possible—the number of living germs left floating in the air will be greatly reduced. Follow a similar plan in spraying auditoriums of all kinds. Reduce strength of disinfecting solution to 3 oz. D-D to each gallon of water if rooms are to be sprayed while occupied. The Chlorine set free into the air not only helps to kill the germs in the air, but also the germs in the throats and respiratory passages of the persons in the room. N. B. Sufficient D-D solution must be sprayed to definitely moisten the air. * * * Work Tables and Floors: First clean. Then, to deodorize and disinfect, rinse with D-D solution, 3 oz. to 5 gallons water. * * * D-D about Soda Fountains: cups, glasses, ice cream dishes and other utensils about soda fountains should always be rinsed, first in clear water and then in D-D solution, 1½ to 2 oz. D-D in each five gallons rinse water. The rinse water should be changed 2 or 3 times per day or even more often, according to the number of dishes to be rinsed. * * * If syrup jars have a capacity of 10 gallons or more, thoroughly spray interiors with a D-D solution, 3 oz. to 5 gallons of water. Then take the same strength solution and flow through the pipe lines into the bottler. * * * Bottles for Table Waters: Treat to kill bacteria: Wash as usual, then rinse in D-D solution—3 oz. in 5 gallons water. Drain the bottles and they are ready for use. Prepare 25 gallons D-D rinse for every 1,000 bottles. * * * Every time the drinking tanks are cleaned, they should be thoroughly rinsed with D-D solution—three ounces of D-D to each five gallons of water is sufficient if the job of rinsing is done thoroughly. * * * (a) Rinsing: This method is satisfactory where only a few utensils are to be treated. Prepare two to three gallons of D-D solution—1 tablespoonful of D-D to a gallon of water. Disinfect the utensils by rinsing thoroughly: pour the solution from one vessel to the other. Allow at least one minute for each article. * * * Keep ice cream ladles and spoons standing in D-D solution instead of plain water. Use 1 tablespoonful D-D to each gallon of water, and change water several times daily. The small amount of D-D used will not be sufficient to give any taste to the food, but on the other hand it will aid greatly in preventing the multiplication of noxious bacteria. * * * Draw the D-D solution from the bottler and use it for disinfecting tables, floors, drains, etc. * * * Drain the solution from the bottler and use it to disinfect floors, tables, drains, etc. * * * Any disinfectant to be used in connection with Dairy products and other food products must be non-poisonous and essentially odorless. * * * D-D has been prepared and perfected as a special offering to creameries, dairies, butter factories, and Produce Houses, * * * D-D is non-poisonous. It has been determined that 85 percent of the bacteria in milk comes from the utensils, cans, buckets, strainers, separators, milking machines, coolers, etc.” were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it would make Dakin’s solution and that the resulting solution would contain one-half percent of available chlorine; that it would sterilize and destroy all bacteria, purify the air, would kill germs in the air or in the throat and respiratory passages of persons in the room and would significantly reduce the number of disease germs in the air; that it was an effective disinfectant in the dilutions specified; that it would disinfect drains, tables, floors, etc., when used as directed; that it was nonpoisonous, and that 85 percent of the bacteria in milk comes from utensils, cans, buckets, strainers, separators, milking machines, coolers, etc.; whereas the article when diluted as directed would not be Dakin’s solution and the resulting solution would not contain 1 percent of available chlorine; it would not sterilize and would not destroy all bacteria; it would not purify the air; it would not kill germs in the throat or air or in the respiratory passages of persons in the room and would not significantly reduce the number of disease germs in the air; it would not be an effective disinfectant in the dilutions specified; it would not disinfect drains, tables, floors, etc., when used as directed; it was not nonpoisonous, and the exact percentage of bacteria in milk cannot be stated so definitely as claimed.

The article also was alleged to be misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30627 published under that act.

On June 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1696. Misbranding of Hy-Grade Mosquito Lotion. U. S. v. The C. D. Smith Drug Co. Plea of guilty. Fine, \$20. (I. & F. No. 2098. Sample No. 27382-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as an insecticide against mosquitos. It also failed to indicate the inert ingredients present.

On February 11, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. D. Smith Drug Co., a corporation, Grand Junction, Colo., alleging shipment by said company on or about May 5, 1938, from the State of Colorado into the State of Utah of a quantity of Hy-Grade Mosquito Lotion, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following label statements were false and misleading, and by reason of said statements it was labeled and branded so as to deceive and mislead purchasers and prospective purchasers, since such statements represented that when used as directed, it would effectively repel mosquitoes and would ward off mosquitoes several hours; whereas the article, when used as directed, would not effectively repel mosquitoes and would not ward off mosquitoes several hours: "Hy-Grade * * * Mosquito Lotion Hy-Grade Mosquito Lotion is effective as a mosquito scare. The odor of the lotion * * * is highly obnoxious to mosquitos, preventing them from alighting near surfaces impregnated with the lotion. Directions: Apply to the face, neck, hands, ankles and exposed parts, rubbing in well * * * One application will ward off mosquitos several hours."

Further misbranding was alleged in that the article consisted partially of inert substances, namely, substances other than oil of citronella, which substances do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of such inert ingredients were not stated on the label; nor in lieu thereof did the label bear a statement of the name and percentage amount of the ingredients having insecticidal properties and the total percentage of inert ingredients present.

On March 8, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1697. Misbranding of D L Germicide. U. S. v. 15 Pints of D L Germicide. Default decree of condemnation and destruction. (I. & F. No. 2109. Sample No. 45689-D.)

The labeling of this product bore false and misleading representations regarding its phenol coefficient and its effectiveness as a sterilizer.

On January 25, 1939, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 pints of D L Germicide at Grand Rapids, Mich.; alleging that the article had been shipped in interstate commerce on or about October 8, 1938, from Dayton, Ohio, by Dayton Laboratories, Inc.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following label statements were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser, since such statements represented that the article had a high phenol coefficient and would sterilize surgical instruments, hypodermic syringes, needles, gloves, etc.; whereas it did not have a high phenol coefficient and would not sterilize surgical instruments, hypodermic syringes, needles, gloves, etc.: "Germicide * * * A Liquid Germicide Having a High Phenol-Coefficient. Does not effect instruments in any way and assures positive sterilization of surgical instruments, hypodermic syringes, needles, gloves, etc. * * * Directions for Use Instruments must be thoroughly cleaned before placing in the solution for sterilization. Hypodermic needles should be carefully flushed with the solution before washing and then flushed again with alcohol before use. Instruments should be allowed to remain immersed in the solution for not less than 15 minutes. They may be allowed to remain in the solution until used. Rubber gloves may remain in the solution up to 36 hours without harm. Do not use the same solution for sterilizing metal instruments that has been used to sterilize rubber articles. Remove sterilized articles from the solution with forceps when possible, allow to dry and then rinse with alcohol or sterile water."

On March 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1698. Misbranding of Monogram Brand Mosquito Lotion, Death-Spray, and Bugine Liquid Spray. U. S. v. Royal Manufacturing Co. of Duquesne. Plea of guilty. Fine, \$900. (I. & F. No. 2086. Sample Nos. 8758-D, 8759-D, 21692-D.)

The labeling of Monogram Brand Mosquito Lotion failed to indicate the presence of the inert substance in the article. The Death-Spray and Bugine Liquid Spray were both misbranded because of false and misleading representations in their labeling regarding their effectiveness against flies, and false and misleading representations that they were 100-percent effective insecticides.

On January 12, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Royal Manufacturing Co. of Duquesne, a corporation trading at Chicago, Ill., alleging shipment by said defendant on or about March 18 and May 18, 1938, from the State of Illinois into the States of Indiana and Michigan of quantities of the above-named products, which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The mosquito lotion was alleged to be misbranded in that it consisted partially of inert substances, namely, water and alcohol, which do not prevent, destroy, repel, or mitigate insects, and did not have the names and percentage amounts of such inert ingredients stated on the label; nor in lieu thereof were the name and percentage amount of each ingredient of the article having insecticidal properties, and the total percentage of inert ingredients present therein stated on the label.

The Death-Spray and Bugine Liquid Spray were both alleged to be misbranded in that the following statements borne on the bottle labels, (Death-Spray and Bugine Liquid Spray) "Flies * * * Close windows and doors and spray upward in all directions, filling room full with vapor. Use 50 to 100 shots with a good hand sprayer, and more shots for larger rooms, stores, restaurants, etc. Keep room closed for 10 minutes," and "100% Active," were false and misleading and were borne on the labels so as to deceive and mislead the purchaser, since they represented that the articles when used as directed, would be effective against flies and that they were 100-percent effective insecticides; whereas when used as directed, they would not be effective against flies and were not 100-percent effective insecticides.

On June 6, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$900.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1699. Misbranding of Formaldehyde Germicide. U. S. v. Cheplin Biological Laboratories, Inc. Plea of guilty. Fine, \$30. (I. & F. No. 2079. Sample No. 16479-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a sterilizing medium, and also failed to indicate the presence of the inert substance, water, which was contained in the article.

On December 7, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cheplin Biological Laboratories, Inc., Syracuse, N. Y., alleging shipment by said defendant on or about March 11, 1938, from the State of New York into the State of Pennsylvania, of a quantity of Formaldehyde Germicide, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following label statements were false and misleading, and by reason of the said statements it was labeled and branded so as to mislead and deceive the purchaser, since such statements represented that it was a sterilizing medium and would be effective against tetanus and anthrax; whereas it was not a sterilizing medium and would not be effective against tetanus and anthrax: "A powerful sterilizing medium * * * Directions: Immerse instruments for 2-3 minutes. * * * (Tetanus and Anthrax, immerse instruments for one hour.) * * * Owing to its stability, this solution can be used repeatedly undiluted for instrument sterilization. It may be used in any suitable enamel, porcelain or metal (except aluminum) sterilizing pans or trays with covers. * * * Instruments may be removed with forceps and allowed to dry by evaporation without wiping or rinsing, thus maintaining sterility."

It was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of such inert substance were not stated plainly and clearly on the label affixed to the bottle

containing the article; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance present therein stated plainly and correctly on the bottle label.

On December 16, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1700. Adulteration and misbranding of Benaco Disinfectant. U. S. v. The Pharmatest Drug Co., Inc. (Drug Products Co.). Plea of guilty. Fine, \$200 and costs. (I. & F. No. 2070. Sample No. 32210-D.)

This product contained water as the inert ingredient in a larger proportion than that declared on the label. Moreover, its labeling bore false and misleading representations regarding its disinfectant properties.

On October 13, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pharmatest Drug Co., Inc., Columbus, Ohio, alleging shipment by said defendant in the name of the Drug Products Co., on or about March 2, 1938, from the State of Ohio into the State of Michigan of a quantity of Benaco Disinfectant, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Inert Ingredients 90% Water," since it contained water as the inert ingredient in a proportion of more than 90 percent.

Misbranding was alleged in that the label statement "Inert Ingredients 90% Water" was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, since it contained water as the inert ingredient in a proportion of more than 90 percent. Further misbranding was alleged in that the following label statements were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the article would not disinfect homes, sickrooms, hospitals, institutions, closet bowls, etc., when used as directed: "Disinfectant * * * For use in Homes, Sick Rooms, Hospitals, Institutions, Closet Bowls, etc. To use place a small quantity in saucer and place in room where needed, for closet bowls put in a few drops and allow to stand a short while before flushing."

On December 5, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1701. Adulteration and misbranding of Lead Arsenate Spray No. 3; misbranding of Lethane No. 4 and Sulphur No. 2. U. S. v. Thomas W. Pickard (Nu-Way Chemical Spray Co.). Plea of guilty. Fine, \$100 and costs. (I. & F. No. 1988. Sample Nos. 77611-B, 77615-B, 77617-B.)

The Lead Arsenate Spray No. 3 contained smaller proportions of lead arsenate and anhydrous soap and a larger proportion of inert ingredients than represented on the label; it contained arsenic, but the total amount of arsenic, and the total amount of arsenic in water-soluble form, expressed as percentage of metallic arsenic, were not stated on the label; and its label bore false and misleading claims regarding its effectiveness as an insecticide. The labeling of the Sulphur No. 2 bore false and misleading claims regarding its effectiveness in the control of mildew and spot and other misrepresentations. The Lethane No. 4 was labeled to indicate that it consisted of lethane; whereas it consisted of approximately 31 percent of lethane, the remainder consisting principally of soap and a small amount of water. Its labeling also bore false and misleading representations regarding its effectiveness in the control of certain insects. Furthermore, the units (cartridges) weighed less than the weight declared on the label.

On June 3, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas W. Pickard, trading as Nu-Way Chemical Co. at Columbus, Ohio, alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about May 18 and June 2, 1936, from the State of Ohio into the State of New York, of a quantity of Lethane No. 4 which was a misbranded insecticide; a quantity of Lead Arsenate Spray No. 3 which was an adulterated and misbranded insecticide, and of a quantity of Sulphur No. 2

which was a misbranded fungicide. The Lethane No. 4 was labeled: "Lethane No. 4 $1\frac{3}{16}$ Ozs. Net when packed. Sure control for the following insects, pests, and the like: Mealy Bug, Red Spider, Midge, Thrips, Aphis, White Fly, and Armored Scale. No mixing or messing, simply slip this cartridge into the cylinder, attach to the hose and turn on the water * * * and you are ready to spray. Active ingredients: Lethane 31%, Anhydrous soap 59%, Inert ingredients 10%. Note: Always remove cartridge from cylinder when through spraying, place back in the container to dry out. Nu-Way Chemical Spray Co., 106 N. Nelson Road, Columbus, Ohio."

The Lead Arsenate Spray No. 3 was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Lead Arsenate 50%, Anhydrous Soap 38%, Inert ingredients 12%," since it contained less than 50 percent of lead arsenate, less than 38 percent of anhydrous soap, and more than 12 percent of inert ingredients. It was alleged to be misbranded in that it contained arsenic, and the total amount of arsenic, and the total amount of arsenic in water-soluble form, expressed as percentage of metallic arsenic, were not stated on the label. It was alleged to be misbranded further in that the following statements in the labeling were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers, since it contained less than 50 percent of lead arsenate, less than 38 percent of anhydrous soap, and more than 12 percent of inert ingredients and when used as directed, would not act as an effective insecticide against the insects named: "Lead Arsenate 50%, Anhydrous Soap 38%, Inert ingredients 12% Lead Arsenate Spray No. 3 * * * For Fruit Trees, Shrubbery, Vegetables, Gypsy Moth, Brown Tail Moth, Elm Leaf Beetle, Tomato Worms, Potato Bugs and Bag Worms. It is very simple to use; no mixing or messing. Merely slip this cartridge into the cylinder. Attach to the garden hose and you are then ready to spray."

The Lethane No. 4 was alleged to be misbranded in that the following statements in the labeling were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers since it did not consist solely of Lethane No. 4 but did consist of lethane, soap, and water, the cartridge weighed less than $1\frac{3}{16}$ ounces and the article when used as directed, would not act as an effective insecticide against the insects named: "Lethane No. 4 * * * $1\frac{3}{16}$ Ozs. Net when packed * * * Sure control for the following insects, pests, and the like: Mealy Bug, Red Spider, Midge, Thrips, Aphis, White Fly, and Armored Scale. No mixing or messing, simply slip this cartridge into the cylinder, attach to the hose and turn on the water * * * and you are ready to spray."

The Sulphur No. 2 was alleged to be misbranded in that the following label statements were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers since anhydrous soap was not an active ingredient, i.e., it would not act as a fungicide, it contained more than 4 percent of inert ingredients, and when used as directed, it would not act as an effective control for mildew and spot: "Active Ingredients: * * * Anhydrous Soap 26%, Inert ingredients not more than 4% Sulphur No. 2 * * * Fungicide Cartridge For the Control of Mildew and Spot Spray the same as for insects by inserting this cartridge in a cartridge cylinder. If necessary, repeat in a few days, however, one spraying is usually enough."

On December 5, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1702. Misbranding of Permacedar Kennel Bedding. U. S. v. Twenty-four 5-Pound and 24 Bushel Bags of Aromatic Permacedar Kennel Bedding. Default decree of condemnation and destruction. (I. & F. No. 2135. Sample No. 52038-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a control or repellent of insect and as a deodorant.

On or about June 12, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-four 5-pound and 24 bushel bags of aromatic Permacedar Kennel Bedding at Rochester, N. Y.; alleging that the article had been shipped in interstate

commerce on or about January 28, 1939, by Yoho & Hooker from Youngstown, Ohio; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the labels of the bags, "Permacedar Kennel Bedding 'The Flea's Natural Enemy' * * * Directions Household Pets can be kept free from fleas, lice, etc., only when the beds on which they sleep are repellent to vermin. Cedar Oil, so abundant in Permacedar Bedding, is recognized as a natural repellent to all insects, * * * Permacedar Bedding makes a superior Kennel Bedding for dogs, cats and other pets, because it * * * makes a * * * vermin-repellent bed. For Dogs Cover the floor from four to six inches deep. Renew when necessary. * * * For long haired dogs, stuff a mattress made of burlap with the Permacedar Bedding. For Cats and Other Animal Pets Stuff a pillow with the Permacedar Bedding, * * * For Canaries and Other Birds Place the bedding in the bottom of the cage. The aroma * * * will repel lice and other vermin * * * For Chickens and Pigeons Place in the nests of the poultry houses. It will repel lice * * * Permacedar Bedding used in the stable * * * helps repel flies * * * Permacedar Bedding used in the stable * * * kills odors * * * Moth Damage to Clothing Sprinkle the Permacedar liberally in the folds, in seams, legs and arms of garments. Permacedar does not kill moths, but repels the flying moth and prevents contact with clothing. Place loose on the floor and hang in bags in all closets," were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed would keep dogs, cats, and other pet animals free of fleas, lice, vermin, and all insects included under the abbreviation "etc."; that cedar oil is a natural repellent to all insects; that when used as directed it would repel lice and all other vermin on canaries and on other birds, would repel lice on chickens and pigeons, and would repel flies in stables; would kill all odors in stables; would repel the flying moth; whereas cedar oil is not a natural repellent to all insects, and when used as directed, the article would not be effective for the said purposes. It was alleged to be misbranded further in that it consisted entirely of inert ingredients, that is, ingredients which do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each inert substance or ingredients present therein were not stated plainly and correctly on the bag labels, nor did the fact that such ingredients were inert appear upon the labels. The label alleged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30779 published under that act.

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1703. Misbranding of Hits-It Liquid. U. S. v. 216 Cans and 216 Cans of Hits-It Liquid. Default decrees of condemnation and destruction. (I. & F. Nos. 2138, 2139. Sample Nos. 51591-D, 51592-D.)

The net contents of the containers of this product were less than the amount declared on the label.

On June 23, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 432 cans of Hits-It Liquid at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about April 4 and 6, 1939, via Hits-It Manufacturing Co. truck, from Camden, N. J.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements (can label) "Contents 8 Ounces," (carton) "1 Doz. ½ Pt. Cans," and (shipping case) "3 Doz. ½ Pints," appearing in the labeling, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since the net contents of the containers were less than 8 ounces or less than one-half pint of the article.

On July 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1704. Adulteration and misbranding of Baum's Chlorinated Cleanser. U. S. v. 100 Pounds of Baum's Chlorinated Cleanser. Default decree of condemnation and destruction. (I. & F. No. 2140. Sample No. 52058-D.)

This product contained a smaller proportion of available chlorine and a larger proportion of inert ingredients than declared. When diluted according to directions, it would not give the parts per million of available chlorine indicated and would not be an effective disinfectant in such dilutions.

On June 23, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 pounds of Baum's Chlorinated Cleanser at Erie, Pa.; alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by Baum's Castorine Co., Inc., from Rome, N. Y.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active Ingredients Available Chlorine 7%" and "Inactive Ingredients 93%," borne on the label, represented that it contained not less than 7 percent available chlorine and not more than 93 percent inert ingredients; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained less than 7 percent available chlorine, and more than 93 percent inert ingredients.

Misbranding was alleged in that the statements "Active Ingredients Available Chlorine 7%," and "Inactive Ingredients 93%" were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since it contained less than 7 percent available chlorine, and more than 93 percent inert ingredients. It was alleged to be misbranded further in that the following statements borne on the label, "This Bactericidal Compound is approved by the Ohio Liquor Control Board, for beer glasses. Use 200 P. P. M. solution $\frac{1}{2}$ oz. ($1\frac{1}{2}$ heaping teaspoons) per gallon of water. Immerse glasses no less than 10 seconds and rinse with clean water. * * * How is it Mixed? Chart $\frac{1}{10}$ oz. ($\frac{1}{8}$ heaping teaspoon) in 1 gal. water makes 50 P. P. M. $\frac{2}{10}$ oz. ($\frac{3}{8}$ heaping teaspoons) in 1 gal. water makes 100 P. P. M. $\frac{4}{10}$ oz. ($1\frac{1}{8}$ heaping teaspoons) in 1 gal. water makes 200 P. P. M. 1 oz. (3 heaping teaspoons) in 1 gal. water makes 500 P. P. M. 4 oz. (12 heaping teaspoons) in 1 gal. water makes 2000 P. P. M. To obtain perfectly clear solution without precipitate, dissolve 4 lbs. of Chlorinated Cleaner in 3 gallons of water. Let stand 1 hour, then pour off clear solution. Use this clear solution as follows: $\frac{1}{8}$ pint above solution in 3 gals. water makes 50 P. P. M. $\frac{1}{4}$ pint above solution in 3 gals. water makes 100 P. P. M. $\frac{1}{2}$ pint above solution in 3 gals. water makes 200 P. P. M. $1\frac{1}{4}$ pint above solution in 3 gals. water makes 500 P. P. M. * * * As Bactericide for general farm and household use, refrigerators, bread boxes, garbage cans, etc., first rinse parts to be cleaned with clean, hot water, rub clean and then apply a solution of 1 heaping teaspoonful ($\frac{1}{2}$ oz.) Baum's Cleaner to each 1 quart of water. Rinse well with warm water and dry. To help clean utensils in breweries, carbonated beverage plants, syrup jars, beer glasses, bottles, coils, pipes, use $1\frac{1}{2}$ oz. ($4\frac{1}{2}$ heaping teaspoonfuls) to 3 gallons of water. Rinse well with clean hot water before using chlorine. Better germ killing is obtained by immersing for 10 minutes or longer. Clean beer pipes twice a week, 90-hour intervals. Use pressure machine or hand pump suction or force cleaner. Let stand in pipes 10 minutes or longer. To deodorize and disinfect by spray floors, sinks, and drains, use 3 heaping teaspoonfuls in 1 gallon of water. For sick room utensils, use $1\frac{1}{2}$ heaping teaspoons in 1 gallon of water, 1st soak 5 minutes. Clean well first," were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that it would be an effective disinfectant in the dilutions specified and when diluted as directed would give the parts per million of available chlorine indicated; whereas it would not be an effective disinfectant in the dilutions specified and when diluted as directed would not give the parts per million of available chlorine indicated.

On July 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1705. Misbranding of D-Stroy. U. S. v. Ultra Chemical Works, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2074. Sample No. 25809-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of insects.

On March 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ultra Chemical Works, Inc., Paterson, N. J., alleging shipment by said company from the State of New Jersey into the State of New York on or about May 10, 1938, of a quantity of D-Stroy which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements on the can label, "D-Stroy the Arch Foe of Insect Life * * * Directions Flies and Mosquitoes: Spray until room is filled with mist; keep room closed for ten to fifteen minutes. Will work more effectively if windows and doors are closed. Bed Bugs: The beds have to be taken apart and all cracks or places where the bugs may be hidden in the frame have to be thoroughly sprayed, using D-Stroy generously. * * * Roaches and Ants: Spray D-Stroy into all cracks where insects may hide. Even if the insects escape to hiding places they will soon die.

* * * Directions Moths: The articles to be treated should be thoroughly cleaned and all traces of fat, oil and grease should be thoroughly removed. Spray D-Stroy over the entire piece of fabric and pay particular attention to all seams. After spraying pack immediately into a box which has been thoroughly cleaned out and spray with D-Stroy. D-Stroy will not stain. * * * Fleas: Spray cracks in floor boards and all other possible hiding places," were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since they represented that the article, when used as directed, would be effective against all insect life, would be effective against flies, and would be effective against bedbugs, roaches, ants, moths, and fleas under all conditions; whereas when used as directed, it would not be effective against all insect life, would not be effective against flies, and would not be effective against bedbugs, roaches, ants, moths, and fleas under all conditions.

On June 12, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1706. Misbranding of Florozone Fragrant Disinfectant. U. S. v. Roland G. Beneville (Florozone Co.). Plea of guilty. Fine, \$25. (I. & F. No. 2093. Sample No. 26090-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant.

On June 6, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roland G. Beneville, trading as Florozone Co., Brooklyn, N. Y., alleging shipment by said defendant on or about April 26, 1938, from the State of New York into the State of New Jersey of a quantity of Florozone Fragrant Disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, borne on the cartons and bottle labels, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers in that they represented that it was an effective disinfectant and would disinfect when used as directed; whereas it was not an effective disinfectant and would not disinfect when used as directed: "Efficient Refreshing * * * Germicide for General Use * * * Disinfectant * * * A valuable Preparation having * * * disinfecting * * * properties. Scientific Bacteriological Tests have indicated that Florozone has definite killing strength against Staphylococcus, the common Pus-producing organism, and Bacillus Typhosus. Florozone is especially adapted for use in the Home, Hospitals, Public Buildings and Institutions, Boarding and Apartment Houses, Theatres, Stores, in General where there is need of an efficient * * * germicide and disinfectant. No need to bother with unpleasant disinfectants any longer. Use Florozone, with its fragrant odor, in place of carbolic acid, cresol, or other ill-smelling agents for general disinfection. Florozone is effective and pleasant to use. Directions For General Use. For Household and General Disinfection, use undiluted. Most economical and thorough method of using Florozone is with Florozone hand or compressed air sprayers," and "Disinfectant * * * Directions. When

applying Florozone to fabrics such as mattresses, pillows, upholstery, tapestry, rugs, carpets and curtains, spray undiluted. Use sparingly and do not over apply. Use in the same manner for garbage pails, wet mops, scrub pails and any place that may act as a receptacle for disease germs and obnoxious odors * * * Germicide."

On June 19, 1939, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1707. Misbranding of Royalite Pine Disinfectant and Royalite Coal Tar Disinfectant. U. S. v. Royal Soap Manufacturing Co. Plea of guilty. Fine, \$50. (I. & F. No. 2127. Sample Nos. 59308-D, 59395-D, 59399-D.)

These products were misbranded because of failure of the labels to declare the inert ingredients that were present. The Coal Tar Disinfectant was misbranded further because of false and misleading representations regarding its germicidal and deodorant properties and, in the labeling of one shipment, regarding its disinfectant properties.

On June 6, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Soap Manufacturing Co., a corporation, Jersey City, N. J., alleging shipment by said company on or about November 25, 1938, and February 4, 1939, from the State of New Jersey into the State of New York of quantities of the above-named products, which were misbranded fungicides within the meaning of the Insecticide Act of 1910.

Both products were alleged to be misbranded in that they consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of such inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the articles having fungicidal (bactericidal) properties, and the total percentage of the inert ingredient present stated plainly and correctly on the label.

The Coal Tar Disinfectant was alleged to be misbranded further in that the statement, "A cup full in a pail of water makes a milky white soapy solution that thoroughly destroys odors—kills germs," with respect to both lots, and the statement "Disinfects" with respect to one lot, borne on the can labels, were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead purchasers, in that they represented that it would destroy all odors and would kill all germs, and that the product in one shipment would be an effective disinfectant in the dilution specified; whereas it would not destroy all odors, would not kill all germs, and the product in one shipment would not be an effective disinfectant in the dilution specified.

On June 26, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1708. Misbranding of Acme Arsenite of Zinc. U. S. v. The Sherwin-Williams Co. Plea of guilty. Fine, \$150. (I. & F. No. 2113. Sample Nos. 17483-D, 17487-D.)

This product was represented to contain not more than 1 percent of water-soluble arsenic expressed as metallic arsenic, whereas it contained more than 5 percent.

On June 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sherwin-Williams Co., a corporation having a place of business at Bound Brook, N. J., alleging shipment by said company on or about March 5, 1938, from the State of New Jersey into the State of Maryland of a quantity of Acme Arsenite of Zinc, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "Water Soluble Arsenic (as Metallic), not more than 1%," borne on the package label, was false and misleading and by reason of said statement, it was labeled so as to deceive and mislead the purchaser, in that said statement represented that it contained not more than 1 percent of water-soluble arsenic expressed as metallic arsenic; whereas it contained more than 1 percent of water-soluble arsenic expressed as metallic arsenic.

On June 26, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1709. Misbranding of G&O Ant Traps and G&O Anti-Beetle Fertilizer. U. S. v. Goulard & Olena, Inc. Plea of guilty. Fine, \$300 on each count. Sentence suspended on all counts but first and defendant placed on probation for 1 year. (I. & F. No. 2106. Sample Nos. 9957-D, 13118-D, 29804-D, 37274-C.)

These products were misbranded because of false and misleading representations in the labeling regarding their effectiveness in the control of certain insects. The Anti-Beetle Fertilizer was misbranded further since it contained less total arsenic oxide than declared; it contained more water-soluble arsenic, expressed as metallic arsenic, than indicated; and its label failed to declare the inert ingredients present.

On June 3, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Goulard & Olena, Inc., doing business at Jersey City, N. J., alleging shipment by said company in the period from on or about February 1, 1937, to on or about April 7, 1938, from the State of New Jersey into the States of Pennsylvania and New York, respectively, of quantities of G&O Ant Traps and a quantity of G&O Anti-Beetle Fertilizer, which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The ant traps were alleged to be misbranded in that the statements, "G&O Ant Trap Kills House, * * * Carpenter Tropical & Lawn Ants" and "Kill Those Pesky Ants with G&O Ant Traps," borne on the label and display card, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that when used as directed, it was effective against house, carpenter, tropical, and lawn ants and when used as directed, would be effective against all ants; whereas it would not be effective against house, carpenter, tropical, and lawn ants, and when used as directed it would not be effective against all ants.

The Anti-Beetle Fertilizer was alleged to be misbranded in that the statements, "Total Arsenic Oxide not less than 8.25%. Equivalent to Metallic Arsenic . . . 6.18% Water soluble Metallic Arsenic not more than20% Inert material from Sulphate of Ammonia, Bone, Meal, Castor Pumice, Dried Blood, Silica 75. %," borne on the can label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the total amount of arsenic oxide was not less than 8.25 percent, that 8.25 percent arsenic oxide was equivalent to 6.18 percent metallic arsenic, that the article contained not more than 0.20 percent water-soluble arsenic expressed as metallic arsenic, and that the equivalent to metallic arsenic was not less than 6.18 percent; whereas the article contained less than 8.25 percent arsenic oxide, 8.25 percent arsenic oxide is equivalent to less than 6.18 percent metallic arsenic, the article contained more than 0.20 percent water-soluble arsenic expressed as metallic arsenic, and the equivalent to metallic arsenic was materially less than the amount declared on the label. It was alleged to be misbranded further in that the statements, "Metallic Arsenic is the Active Grub killing ingredient in this mixture" and "Kills Japanese Beetle Grubs * * * Broadcast evenly (just as it comes) at rate of 800-900 pounds per acre," borne on the can label, were false and misleading and by reason of said statements, it was labeled so as to deceive and mislead the purchaser since they represented that the article contained arsenic in the form of metallic arsenic, and that when used as directed it would be an effective control for the Japanese beetle; whereas it did not contain arsenic in the form of metallic oxide, and when used as directed would not be an effective control for the Japanese beetle. The Anti-Beetle Fertilizer was alleged to be misbranded further in that it consisted partially of inert substances, that is, substances other than lead arsenic, which do not prevent, destroy, repel, or mitigate insects and the name and the percentage amount of each of such inert substances were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances present stated plainly and correctly on the label.

On June 26, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 on each of the five counts, suspended payment on all counts but the first, and placed the defendant on probation for 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1710. Misbranding of Bo-No. U. S. v. Franklin C. Robb (Robb Chemical Co.).
Plea of guilty. Fine, \$100. Sentence suspended and defendant placed
on probation for 6 months. (I. & F. No. 2120. Sample No. 44453-D.)

This product was misbranded because of false and misleading representations in the labeling regarding its effectiveness as a fly repellent and because the cans contained less than the amount declared on the label.

On June 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Franklin C. Robb, trading as the Robb Chemical Co., at Matawan, N. J., alleging shipment by said defendant on or about November 5, 1938, from the State of New Jersey into the State of New York of a quantity of Bo-No, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the labeling, (can) "Spray Bo-No in the garbage cans and dust-bins. It will act as a wonderful fly repellent 1 U S Gallon" and (shipping case) "1/2 Doz. Gallons—Gal.," were false and misleading, and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since it would not act as an effective fly repellent and the cans contained less than 1 gallon of the article.

On June 12, 1939 a plea of guilty having been entered by the defendant, the court imposed a fine of \$100 but ordered that payment be suspended and that the defendant be placed on probation for 6 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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